

Virginia Crime Victim and Witness Rights



As a victim or a witness of crime, you have certain rights under Virginia's Crime Victim and Witness Rights Act (§19.2-11.01). There are specific steps you must take to receive these rights (summarized below). Your local victim/witness program, commonwealth's attorney's office, police department, or sheriff's office are among the agencies that can help and can provide further information about your rights.

As the victim of a crime, you may be entitled to:

Information about:

- Your rights and local agencies and programs that can provide information and assistance.
- Protection and protective orders
- Financial assistance and social services, including the Criminal Injuries Compensation Fund (crime victims' compensation)
- Address and telephone number confidentiality¹
- Closed preliminary hearing or use of closed-circuit television, under limited circumstances
- Separate waiting area during court proceedings
- The right to remain in the courtroom during a criminal trial or proceeding
- The right to consult the commonwealth's attorney regarding proposed plea agreements and plea negotiations in felony cases²
- The law (40.1-28.7:2) requiring employers to allow employees who are crime victims leave from work to attend criminal proceedings

Assistance in:

- Obtaining protection and protective orders
- Obtaining property held by law enforcement agencies
- Receiving intercession services with your employer
- Obtaining advanced notice of court proceedings²
- Receiving the services of an interpreter
- Preparing a Victim Impact Statement in felony cases
- Seeking restitution

Notification of:

- Changes in court dates²
- Changes in the status of the defendant, if he/she is being held in a jail or a correctional facility³
- The opportunity to prepare a written victim impact statement prior to sentencing of a defendant in felony cases
- The filing and disposition of any appeals/habeas corpus proceedings involving the defendant⁴
- Case disposition, defendant appeal rights, and restitution information²

As the witness to a crime, you may be entitled to:

Information about:

- Your rights and available protection
- Address and telephone number confidentiality¹
- Separate waiting area during court proceedings

Assistance in:

- Obtaining protection
- Receiving intercession services with your employer
- Receiving the services of an interpreter

Steps you need to take to receive confidentiality, notification, or status information:

¹ Confidentiality: To request confidentiality, you must file a Request for Confidentiality by Crime Victim Form (DC-301) with the magistrate, court, commonwealth's attorney, or law enforcement agency in the locality where the crime occurred. Upon motion by the commonwealth's attorney, a judge may also prohibit testimony regarding the current residential or business address or telephone number of a victim or witness.

² Notification of court dates, plea consultation, case disposition: You must give the commonwealth's attorney your current name, address, and telephone number, in writing, if you wish to be notified in advance of the scheduled court dates for preliminary hearings, trials, sentencing hearings and other proceedings in your case. You must make a specific written request to the commonwealth's attorney to receive case disposition information or, in felony cases, notice of plea agreement proceedings or to request consultation with the commonwealth's attorney about plea negotiations or a proposed plea agreement.

³ Information about release or status of defendant: VINE (Victim Information and Notification Everyday) is an automated system which automatically notifies registered victims and others about certain changes in the custody status of particular offenders. Register at www.vinelink.com or by calling 1-800-467-4943. Enrollment in VINE does not substitute for official registration with the Virginia Department of Corrections or some local jails. Contact your local jail or victim/witness program, or the Virginia Department of Corrections, Victim Services Unit at 1-800-560-4292 for additional information and assistance.

⁴ Information about appeals/habeas corpus proceedings: You must give the Office of the Attorney General of Virginia Victim Notification Program your current name, address, telephone number and defendant name, in writing, if you wish to be notified of the filing and disposition of any appeals/habeas corpus proceedings involving the defendant.

Please contact your local victim/witness program, commonwealth's attorney's office, police department or sheriff's office for further information and assistance. Local contact information is provided below.

■ Local Victim/Witness Program:

■ Commonwealth's Attorney:

■ Investigating Law Enforcement Agency:

For information, assistance, and referrals you can also call statewide toll-free numbers including:

■ **Virginia Crime Victim Assistance INFO-LINE**
1-888-887-3418

■ **Virginia Family Violence and Sexual Assault Hotline**
1-800-838-8238 (V/TTY)

This project is supported by grant #14-K3957VW13 awarded to the Virginia Department of Criminal Justice Services.